

Introduced by Senator Ackerman

February 13, 2003

An act to amend Section 41954 of the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 207, as introduced, Ackerman. Air quality: gasoline vapor emission control systems.

Existing law designates the State Air Resources Board as the state agency responsible for the control of vehicular air pollution. Existing law requires the state board to adopt procedures for determining the compliance of any system designed for the control of gasoline vapor emissions during gasoline marketing operations, including storage and transfer operations, with performance standards that are reasonable and necessary to achieve or maintain any applicable ambient air quality standard, and to adopt additional performance standards that are reasonable and necessary to ensure that systems for the control of gasoline vapors resulting from motor vehicle fueling operations do not cause excessive gasoline liquid spillage and excessive evaporative emissions from liquid retained in the dispensing nozzle or vapor return hose between refueling events. Existing law requires the state board to certify gasoline vapor control systems in cooperation with air quality management districts and air pollution control districts.

This bill would provide that any defect or malfunction of a certified gasoline vapor emission control system, device, or component detected by a manual or electronic monitoring device or procedure does not constitute a violation of any air pollution control law, regulation, rule, procedure, or permit condition, unless the defect or malfunction is not corrected within 21 days of detection.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41954 of the Health and Safety Code is
2 amended to read:
3 41954. (a) The state board shall adopt procedures for
4 determining the compliance of any system designed for the control
5 of gasoline vapor emissions during gasoline marketing operations,
6 including storage and transfer operations, with performance
7 standards that are reasonable and necessary to achieve or maintain
8 any applicable ambient air quality standard.
9 (b) The state board shall, after a public hearing, adopt
10 additional performance standards that are reasonable and
11 necessary to ensure that systems for the control of gasoline vapors
12 resulting from motor vehicle fueling operations do not cause
13 excessive gasoline liquid spillage and excessive evaporative
14 emissions from liquid retained in the dispensing nozzle or vapor
15 return hose between refueling events, when used in a proper
16 manner. To the maximum extent practicable, the additional
17 performance standards shall allow flexibility in the design of
18 gasoline vapor recovery systems and their components.
19 (c) (1) The state board shall certify, in cooperation with the
20 districts, only those gasoline vapor control systems that it
21 determines will meet the following requirements, if properly
22 installed and maintained:
23 (A) The systems will meet the requirements of subdivision (a).
24 (B) With respect to any system designed to control gasoline
25 vapors during vehicle refueling, that system, based on an
26 engineering evaluation of that system's component qualities,
27 design, and test performance, can be expected, with a high degree
28 of certainty, to comply with that system's certification conditions
29 over the warranty period specified by the board.
30 (C) With respect to any system designed to control gasoline
31 vapors during vehicle refueling, that system shall be compatible
32 with vehicles equipped with onboard refueling vapor recovery
33 (ORVR) systems.
34 (2) The state board shall enumerate the specifications used for
35 issuing the certification. After a system has been certified, if

1 circumstances beyond the control of the state board cause the
2 system to no longer meet the required specifications or standards,
3 the state board shall revoke or modify the certification.

4 (d) The state board shall test, or contract for testing, gasoline
5 vapor control systems for the purpose of determining whether
6 those systems may be certified.

7 (e) The state board shall charge a reasonable fee for
8 certification, not to exceed its actual costs therefor. Payment of the
9 fee shall be a condition of certification.

10 (f) No person shall offer for sale, sell, or install any new or
11 rebuilt gasoline vapor control system, or any component of the
12 system, unless the system or component has been certified by the
13 state board and is clearly identified by a permanent identification
14 of the certified manufacturer or rebuilder.

15 (g) (1) Except as authorized by other provisions of law and
16 except as provided in this subdivision, no district may adopt, after
17 July 1, 1995, stricter procedures or performance standards than
18 those adopted by the state board pursuant to subdivision (a), and
19 no district may enforce any of those stricter procedures or
20 performance standards.

21 (2) Any stricter procedures or performance standards shall not
22 require the retrofitting, removal, or replacement of any existing
23 system, which is installed and operating in compliance with
24 applicable requirements, within four years from the effective date
25 of those procedures or performance standards, except that existing
26 requirements for retrofitting, removal, or replacement of nozzles
27 with nozzles containing vapor-check valves may be enforced
28 commencing July 1, 1998.

29 (3) Any stricter procedures or performance standards shall not
30 be implemented until at least two systems meeting the stricter
31 performance standards have been certified by the state board.

32 (4) If the certification of a gasoline vapor control system, or a
33 component thereof, is revoked or modified, no district shall
34 require a currently installed system, or component thereof, to be
35 removed for a period of four years from the date of revocation or
36 modification.

37 (h) No district shall require the use of test procedures for testing
38 the performance of a gasoline vapor control system unless those
39 test procedures have been adopted by the state board or have been
40 determined by the state board to be equivalent to those adopted by

1 the state board, except that test procedures used by a district prior
2 to January 1, 1996, may continue to be used until January 1, 1998,
3 without state board approval.

4 (i) With respect to those vapor control systems subject to
5 certification by the state board, there shall be no criminal or civil
6 proceedings commenced or maintained for failure to comply with
7 any statute, rule, or regulation requiring a specified vapor recovery
8 efficiency if the vapor control equipment which has been installed
9 to comply with applicable vapor recovery requirements meets
10 both of the following requirements:

11 (1) Has been certified by the state board at an efficiency or
12 emission factor required by applicable statutes, rules, or
13 regulations.

14 (2) Is installed, operated, and maintained in accordance with
15 the requirements set forth in the document certification and the
16 instructions of the equipment manufacturer.

17 (j) *Notwithstanding any other provision of law, a defect or*
18 *malfunction of a certified gasoline vapor emission control system,*
19 *device, or component detected by a manual or electronic*
20 *monitoring device or procedure does not constitute a violation of*
21 *any air pollution control law, regulation, rule, procedure, or*
22 *permit condition, unless the defect or malfunction is not corrected*
23 *within 21 days of detection.*

